

CHAPTER 679

S.P. 671 - L.D. 1826

An Act To Encourage the Proper Disposal of Unused Pharmaceuticals

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA c. 604 is enacted to read:

CHAPTER 604

DISPOSAL OF UNUSED PHARMACEUTICALS

§2700. Unused Pharmaceutical Disposal Program

1. Establishment; purpose. There is established the Unused Pharmaceutical Disposal Program, referred to in this chapter as "the program." The purpose of the program is to ensure the safe, effective and proper disposal of unused pharmaceuticals. For purposes of compliance with federal law and regulation, the return of pharmaceuticals under this section is deemed to be for law enforcement purposes.

2. Administration. The program is administered by the Maine Drug Enforcement Agency, referred to in this chapter as "the agency," established in Title 25, section 2955.

3. Return of pharmaceuticals. The agency shall create a system for the return of unused pharmaceuticals. The system must use prepaid mailing envelopes into which the unused

pharmaceuticals are placed and returned to a single collection location. The prepaid mailing envelopes must be made available to the public at various locations, including, but not limited to, pharmacies, physicians' offices and post offices. The agency may randomly assess the toxicity of materials received under the program as long as the assessment results do not identify the patient, person who mailed the material, prescriber or pharmacy.

4. Disposal of pharmaceuticals. The agency shall ensure that only agency officers handle the unused pharmaceuticals received

pursuant to subsection 3. The unused pharmaceuticals must be disposed of by the agency in a manner that is designed to be effective, secure and in compliance with local, state and federal environmental requirements, including the federal Resource Conservation and Recovery Act of 1976, as amended.

5. Unused Pharmaceutical Disposal Program Fund; funding. The Unused Pharmaceutical Disposal Program Fund, referred to in this chapter as "the fund," is established within the agency to be used by the director of the agency to fund or assist in funding the program. Any balance in the fund does not lapse but is carried forward to be expended for the same purposes in succeeding fiscal years. The fund must be deposited with and maintained and administered by the agency. The agency may accept funds into the fund from any non-General Fund, nonpublic fund source, including grants or contributions of money or other things of value, that it determines necessary to carry out the purposes of this chapter. Money received by the agency to establish and maintain the program must be used for the expenses of administering this chapter.

6. Rulemaking. The agency shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Maine Drug Return Implementation Group. The Maine Drug Return Implementation Group, referred to in this section as "the implementation group," is established to work on implementation issues for the Unused Pharmaceutical Disposal Program, established in the Maine Revised Statutes, Title 22, chapter 604, referred to in this section as "the program."

1. Issues. The implementation group shall study the following issues and make recommendations for implementation of the program in a manner that addresses the issues, safeguards the public health and environment and meets the requirements of local, state and federal law, rule and regulation:

A. Postal regulations;

B. The methods and requirements for packaging, including prepaid mailing envelopes;

C. Minimizing drug diversion and theft;

D. Public education regarding program requirements and operation; and

E. Encouraging the development of drug drop-off programs at the local level.

2. Membership. The implementation group consists of 11 members.

A. The President of the Senate shall appoint one Senator, one representative of local municipal enforcement agencies and one representative of pharmacies. The appointed Senator serves as chair of the implementation group.

B. The Speaker of the House shall appoint 2 representatives, one person representing pharmaceutical manufacturers and one representative of a statewide association of medical professionals.

C. The implementation group must also include the Attorney General or the Attorney General's designee, the Commissioner of Human Services or the commissioner's designee, the Commissioner of Environmental Protection or the commissioner's designee and the Director of the Maine Drug Enforcement Agency or the director's designee.

The implementation group shall invite the participation of the federal Drug Enforcement Agency, the Office of the United States Attorney for the District of Maine, the United States Postal Service and interested parties and persons with expertise and interest in issues related to the disposal of unused pharmaceuticals.

All appointments must be made by September 1, 2004. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When appointment of all members of the implementation group is completed, the chair shall call and convene the first meeting no later than September 30, 2004.

3. Staffing. Staffing must be provided by a statewide association of medical professionals and, upon approval of the Legislative Council, the Office of Policy and Legal Analysis.

4. Compensation. Legislative members of the implementation group are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the group. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per

diem equal to the legislative per diem for their attendance at authorized meetings of the implementation group.

5. Report. The implementation group shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2005. The report must include information and recommendations on implementing the program. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall review the report and may report out legislation to the First Regular Session of the 122nd Legislature.

6. Extension. If the implementation group requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant an extension.

7. Funding. The implementation group shall seek outside funds to fully fund all costs of the implementation group. If sufficient outside funding has not been received by September 15, 2004 to fully fund all costs of the implementation group, no meetings are authorized and no expenses of any kind may be incurred or reimbursed. Contributions to support the work of the implementation group may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. Such certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Council shall administer any funds received by the implementation group. The executive director shall notify the chair of the implementation group when sufficient funding has been received.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Miscellaneous Studies - Funding

Initiative: Allocates funds for the per diem and expenses of members of the Maine Drug Return Implementation Group and printing a report in fiscal year 2004-05.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$0	\$660
All Other	0	2,200
Other Special Revenue Funds Total	<u>\$0</u>	<u>\$2,860</u>

Sec. 4. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 22, chapter 604 takes effect July 1, 2005.